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7 Attorneys for Plaintiff,  
BETTER HOMES REALTY, INC.

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA

11 BETTER HOMES REALTY, INC.,

12 Plaintiff,

13 v.

14 LAWRENCE VECCHIO, VRI REALTY,  
INC.,

15 Defendants.  
16  
17

CASE No. C07 3058 HRL

**STIPULATION & [PROPOSED] ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE, INITIAL DISCLOSURE  
PERIOD, AND ADR CERTIFICATION**

1 WHEREAS the Initial Case Management Conference in this action is currently scheduled  
2 for October 25, 2007;

3 WHEREAS, initial disclosures are currently scheduled to be made on, and the Joint Case  
4 Management Statement must currently be filed by, October 18, 2007;

5 WHEREAS plaintiff BETTER HOME REALTY, INC. ("Plaintiff") and Defendants  
6 LAWRENCE VECCHIO and VRI REALTY, INC. ("Defendants") have been actively discussing  
7 the settlement of this matter, including completing an in-person meeting of the principals of  
8 Plaintiff and Defendant, followed by the exchange of settlement offers between the parties;

9 WHEREAS, both Plaintiff and Defendant remain optimistic regarding the possibility of  
10 settlement of the entire action through continued informal settlement discussions;

11 WHEREAS, during the pendency of their informal settlement discussions, Plaintiff and  
12 Defendants both desire to avoid the additional attorneys' fees and costs of preparing initial  
13 disclosures, drafting a Joint Case Management Statement, selecting a form of ADR, and  
14 appearing at the Case Management Conference;

15 THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiff and Defendants,  
16 through their respective counsel of record, that the Initial Case Management Conference be  
17 continued to Thursday, November 29, 2007 at 2:30 p.m. in Courtroom 2, the Hon. Phyllis J.  
18 Hamilton presiding.

19 IT IS FURTHER STIPULATED that initial disclosure due date and the due date for filing  
20 the Joint Case Management Statement, respectively, be continued to November 22, 2007, and  
21 that the due date for filing the ADR Certification be continued to November 15, 2007.

22 Dated: October 15, 2007

23 TOBIN & TOBIN

24  
25 By: /s/ Paul E. Gaspari, Esq. SBN 76496  
26 Attorneys for Plaintiff  
BETTER HOMES REALTY, INC.

1 Dated: October 15, 2007

KRIEG, KELLER, et al.

2  
3 By: /s/ \_\_\_\_\_  
4 Kenneth E. Keller, Esq. SBN 71450  
5 Attorneys for Defendants  
6 LAWRENCE VECCHIO and  
7 VRI REALTY, INC.

8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

9  
10 Dated: \_\_\_\_\_

11 \_\_\_\_\_  
12 Hon. Phyllis J. Hamilton  
13 United States Magistrate Judge  
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PROOF OF SERVICE

CASE NAME: Better Homes Realty, Inc. v. Lawrence Vecchio, et al.  
COURT: United States District Court, Northern District of California  
CASE NO.: C07 3058 HRL

I, Marilyn J. Cooper, declare:

I am over the age of eighteen years and not a party to the cause. I am employed by the law firm of Tobin & Tobin, 500 Sansome Street, 8th Floor, San Francisco, California 94111-3211.

On October 15, 2007, I served the documents described as: **STIPULATION & [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE, INITIAL DISCLOSURE PERIOD, AND ADR CERTIFICATION** on the parties in this matter by placing a true copy thereof in a sealed envelope(s) addressed as follows:

Gregg A. Paradise, Esq.  
Lerner, David, Littenberg, Krumholz &  
Mentlik, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
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*Attorneys for Defendants Lawrence Vecchio and VRI Realty, Inc.*

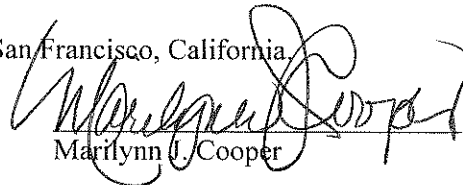
Kenneth Keller, Esq.  
Krieg Keller, et al., LLP  
114 Sansome Street, Floor 4  
San Francisco, California 94104-3803  
Tel: (415) 249-8330  
Fax: (415) 249-8333  
*Attorneys for Defendants Lawrence Vecchio and VRI Realty, Inc.*

Service of the above document(s) was effectuated by the following means of service:

XX **By First Class Mail** -- I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. It is deposited with the United States Postal Service in the ordinary course of business on the same day it is processed for mailing. I caused such envelope(s) to be deposited in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

XX **Federal Court** -- I declare under penalty of perjury that the foregoing is true and correct and that service was made under the direction of a member of the bar of this Court who is admitted to practice and is not a party to the cause.

Executed this October 15, 2007, at San Francisco, California.

  
Marilynn J. Cooper